

MUTT AND JEFF HALED TO COURT

Bud Fisher's Right to Comic
Creations Subject of
Litigation.

GETS \$104,000 SALARY

Court Ruling Within Few
Days Expected to
Straighten Tangle.

NEW YORK, Aug. 10.—Perhaps you did not know that Mutt and Jeff are in a lawsuit and that a very sober-minded justice of the Supreme Court, Bartow S. Weeks, has been having many a hearty laugh entertaining these children of Bud Fisher's brain and pen—the long, skinny one and the short sawed-off one—while attempting to settle the problem of whose property they really are, the Star Company's, which means William R. Hearst, or the Wheeler Syndicate's and Bud's.

The Star Company, which publishes the New York American, contends that since Mr. Fisher, the artist, has left the service of the Hearst newspapers he can no longer call his merry men Mutt and Jeff and that if he insists upon drawing for other employers he must relinquish title to the names.

Injunctions Asked.

The case went before Justice Weeks in part 1 of the Supreme Court last week and was intensified by applications by both Harry C. Fisher (Bud) and the Wheeler Syndicate on the one hand and the Star Company on the other for injunctions. Justice Weeks is expected to hand down a final decision by next Thursday, but meanwhile he has forbidden the Star Company to issue Mutt and Jeff pictures in a comic supplement and has permitted the Wheeler Syndicate to distribute the adventures of Mutt and Jeff, provided Mr. Fisher doesn't entitle his pictures merely "Mutt and Jeff." He can use the names as he did yesterday, when the New York World, one of the subscribers to the Wheeler Syndicate service, printed the first contribution from Mr. Fisher under the title, "Well, Well! Look Who's Here! Old Mutt Himself and His Side Kick, Jeff."

Not the least interesting fact brought out in the litigation over Bud Fisher's laughmakers is the amount of money that Mutt and Jeff brought in to the Star Company, and which, under contracts already made by the Wheeler Syndicate, they will bring in. Bud Fisher, himself, by his new arrangement with the syndicate, will earn far more money than the President of the United States receives annually. Under his contract with Mr. Wheeler, Bud is to receive \$1000 a week and 75 per cent. of the gross receipts of the syndicate. Nearly a hundred newspapers in various parts of the country have contracted to use the Mutt and Jeff drawings and Fisher's income, therefore, will be in the neighborhood of \$2000 a week, perhaps a little more, since additional contracts are anticipated. Therefore, Bud Fisher's salary will be about what Mary Pickford receives—\$104,000 a year, and Miss Pickford is reputed to be the highest paid star in the film world.

When the Star Company brought suit, Mr. Fisher's contract with the company having expired Aug. 8, after being operative for four years, the counsel for the company, Bainbridge Colby, of 32 Nassau Street, stated to Justice Weeks that Mr. Fisher had been receiving \$300 a week from Mr. Hearst for merely the newspaper rights to the Mutt and Jeff feature,

the book and dramatic rights having been reserved by the artist. Mr. Colby contended that since Mr. Fisher had seen fit to terminate his contract with the Star Company, the Star Company by every reason of equity and precedent of law should be granted permanent possession of the title "Mutt and Jeff." This would imply of course that the Hearst papers could employ other artists to draw Mutt and Jeff pictures.

Parallel Cases Cited.

There had been other cases of a similar nature. Mr. Dirks, creator of the famous Katzenjammer Kids, left the New York American to draw his pranksome series for The World. But The American nevertheless retained title to the caption "Katzenjammer Kids" and hired another artist to make the series as like as possible to Mr. Dirks' drawings. Mr. Dirks, drawing for The World, was not permitted to use the old title, but called his feature "Hans and Fritz." A similar situation came about when R. F. Outcault went to the New York American and The Herald retained possession of the caption "Buster Brown."

Mr. Colby in his argument contended that the Star Company had made the Mutt and Jeff feature popular by placing back of it the great prestige of a nation-wide organization. He said that Mr. Fisher had been coddled, pampered and spoiled. The Star Company, he said, had created the Mutt and Jeff comic strips, and he asked that the Star Company's rights be protected and that Fisher be enjoined.

Charles E. Kelley of 60 Wall Street, counsel for Harry C. Fisher and the Wheeler Syndicate, said that Mr. Fisher's comic creations were his alone and that he was entitled to take them where he pleased. He revealed that Mr. Fisher had refused a salary of \$50,000 a year to accept the contract offered him by the Wheeler Syndicate. He stated that the New York World had contracted to pay \$300 a week for the Fisher pictures and that a Boston paper had agreed to pay \$200 a week.

Action Asked by Court.

Mr. Colby asked for an injunction restraining the Wheeler Syndicate and Mr. Fisher from doing the following things:

First, from in any way using the name Mutt and Jeff.

Second, from advertising or offering for sale any comic strips or sections under the name and title "Mutt and Jeff," or embodying or depicting the figures Mutt and Jeff in comic strips or sections.

Third, from conspiring or confederating with any of its employees or workmen with a view to the making and execution of any sketches or representations of the characters, or of comic strips so designated and embodying said characters.

Fourth, from in any manner unlawfully interfering with the plaintiff's business, or infringing plaintiff's trademark or trade name "Mutt and Jeff" as such, and as a designation or description of the comic characters or figures "Mutt and Jeff" constituting the subject matter of the comic strip or section known and described as "Mutt and Jeff."

Justice Weeks denied all of these requests except that which asked that Fisher and the syndicate be forbidden

to use the title "Mutt and Jeff" as such. Mr. Colby said yesterday, however, that he does not believe that the syndicate has a legal right to use the name "Mutt and Jeff" in any way and that he expects Justice Weeks so to decide.

On the part of the defendants Mr. Kelley asked for an injunction last Thursday to prevent the Star Company from using the title "Mutt and Jeff" in any way; from using the word "Mutt" or the word "Jeff" in any way, and from having any other artist draw cartoons in imitation of Mr. Fisher's

Mutt and Jeff cartoons. Mr. Kelley argued that the Star Company had issued a comic section for Sunday, Aug. 8, that contained a Mutt and Jeff strip. Justice Weeks granted the injunction and made it applicable until midnight of Aug. 8. His decision within a few days is expected to straighten out the whole matter.

Wife (angrily, to tipsy husband): I'll talk to you in the morning.
Husband (Groggily): Then, I'll try to be able to talk, too. (Boston Transcript.)

Albert Steiger Company
THE WOMAN'S STORE

Price Details of Our
19th Semi-Annual

**PRE-INVENTORY
CLEARANCE SALE**

Appear on Pages
8 and 9

Carefulness and Skillfulness

Mark every detail of the optical work we do for you.

Your eyes are seldom alike, so we test them separately and make separate lenses for each.

In this way glasses made by us give full efficiency and comfort.



EVERYTHING RIGHT OUR GUARANTEE

BURDICK OPTICAL CO. OPP. COURT SQ.
433 MAIN ST.

LEW FIELDS

Famous Comedian, says:

"It is a hard job to be a professional comedian, but TUXEDO keeps me in a happy frame of mind. Try a pipe and be sure to smoke TUXEDO."

Lew Fields

Tuxedo Brings Out

